

REMARKS/ARGUMENTS AND ELECTION

Entry of this Preliminary Amendment is respectfully submitted.

This Preliminary Amendment editorially amends the specification to update reference to related applications. The last listed related application is United States Patent Application 10/815,999, which actually bears docket number 4209-41 rather than 4209-37. Note that the other listed applications also incorporate United States Patent Application 10/815,999, so that this amendment does not involve new matter.

In response to the Office Action dated January 19, 2006, Applicant elects Species I (the species of claims 1 - 12 disclosed in paragraphs 56-61) for further prosecution in the event no generic claim is finally held to be allowable.

This election is made with traverse, but only to the extent that the undersigned believes that a regular invention restriction would have been more appropriate than a species restriction. In any event, since a restriction requirement of any type is never proper unless the restricted group of claims is patentably distinct (i.e., inter alia, non-obvious under 35 USC §103) from the elected group of claims, the Examiner is requested to insure that such patentable distinctness is present before proceeding to make the requirement final.

It is respectfully requested that the non-elected claims be retained.

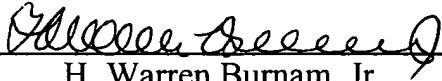
The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

VOGELEY et al
Appl. No. 10/815,978

Respectfully submitted,

NIXON & VANDERHYE P.C.

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